Return to: City Clerk
City of Missoula
435 Ryman Street
Missoula MT 59802-4297

RESOLUTION NUMBER _____

A resolution of intention to annex and incorporate within the boundaries of the City of Missoula, Montana the land shown in Exhibit A and described in Exhibit B, and zone the property to I-1 Industrial, based on the findings of fact in the staff report, subject to the recommended conditions of annexation approval, set a public hearing for April 13, 2026, and refer this item to the City Council Land Use and Planning Committee on March 25, 2026.

LEGAL DESCRIPTION: The parcel of land as shown in Exhibit A and described in Exhibit B.

WHEREAS, the Missoula Urban Transportation District and Prolo Family Clovis, LLC, sole owners of the properties shown in Exhibit A and described in Exhibit B, have filed Petition Nos. 10301 and 10302 with the City Clerk requesting annexation and waiving the need to prepare a service plan for the annexation; and

WHEREAS, it is the Missoula City Council's decision to consider this petition for annexation pursuant to the statutory annexation by petition method set forth in Title 7 Chapter 2 Part 46 Section 4601 (3)(a)(ii) Montana Code Annotated (MCA); and

WHEREAS, the herein described property is within the City of Missoula Utilities Service Area boundary and the City has current and future capacity to serve the property and development; and

WHEREAS, the City Council desires the annexation and zoning of the herein described property be conditioned upon annexation subject to the following conditions:

General

1. The petitioners shall submit a petition for the property to be included in the Missoula Urban Transportation District, subject to review and approval of Development Services, within one hundred eighty (180) days of annexation.

Road Improvements

2. The petitioners shall dedicate a varied-width, minimum 68-foot right-of-way easement to the City of Missoula along Whippoorwill Drive from the intersection of West Broadway to the western edge of the MOAB parcel (Tract 1-A-1) as shown on COS 7043. Exact right-of-way easement width is per release-for-construction (RFC) plans to be issued under 2025-PWI-MSS-00015. Easement dedication documents shall be submitted to City Engineering prior to surface infrastructure permit issuance, subject to review and approval of City Attorney and City Engineer.

3. The petitioners shall install street improvements to Whippoorwill Drive adjacent to the subject property and extending to West Broadway, as per RFC plans to be issued under 2025-PWI-MSS-00015. Improvements shall be completed prior to issuance of a Certificate of Occupancy

for the first building on the property or secured in an improvements agreement per the City of Missoula Standards & Specifications Manual.

Boulevard Landscaping

4. The petitioners shall prepare a boulevard landscaping and maintenance plan for Whippoorwill Drive, adjacent to the subject property and extending to West Broadway, subject to review and approval of City Parks and Recreation and Public Works & Mobility, prior to building permit issuance on Tract 1-A-1. Boulevard landscaping shall be installed and maintained by adjacent property owners per the approved boulevard landscaping and maintenance plan prior to certificate of occupancy for each building constructed on each parcel adjacent to Whippoorwill Drive.

Utilities & Fire

5. The petitioners shall design and install water infrastructure on the property as per the RFC plans to be issued under 2025-PWI-MSS-00015, subject to review and approval of the City Engineer, prior to the start of combustible construction on the subject property.

6. The petitioners shall design and install sewer infrastructure on the property as per the RFC plans to be issued under 2025-PWI-MSS-00015, subject to review and approval of the City Engineer, prior to sewer connection permit issuance on the subject property.

7. The petitioners shall provide a fire hydrant plan approved by City Fire and provide conditionally accepted hydrants within 250 feet of any building prior to the start of combustible construction on the subject property.

WHEREAS, Section 7-2-4211 MCA requires municipalities to include the full width of any public street or road rights-of-way that are adjacent to the property being annexed, and;

WHEREAS, the Whippoorwill Drive right-of-way, minimum of 68 feet, adjacent to the property extending east to West Broadway Street is required to be annexed into the City of Missoula; and

WHEREAS, the municipal water and sanitary sewer systems are available to the parcel described herein; and

WHEREAS, the parcel described herein is currently zoned W Workplace (Sxʷtpqyen Neighborhood Form-Based Code) / Airport Influence Area Overlay in the County and the recommended zoning in the City is I-1 Industrial in accordance with MCA 76-2-303(3)(a)(i) and (iii) and Missoula Municipal Code criteria 22.4.15.05-B(2), it is the intention of the City of Missoula to annex this property with the recommended City zoning.

FURTHER, the parcel is situated adjacent to City Council Ward Area No. 2 and the Captain John Mullan Neighborhood Council District, and it is the intention of the Council to add this parcel to said Ward and Neighborhood Council District; and

WHEREAS, in the judgment of the City Council of the City of Missoula, it is deemed to be in the best interest of the City of Missoula, the inhabitants thereof and the current and future inhabitants of the parcel of land described herein, which have petitioned for annexation and are within the urban growth boundary, that the boundaries of the City of Missoula shall be extended to include the same within the corporate limits.

NOW THEREFORE BE IT RESOLVED that it is the intention of the City Council of the City of Missoula to incorporate and annex into the City's jurisdictional boundary the herein described property, apply City zoning as stated within, and assign the property to the said Ward and Neighborhood Council District; and

BE IT FURTHER RESOLVED that the City shall, pursuant to Section 76-2-303 and 7-1-4127 MCA, publish in the newspaper of general circulation in the City of Missoula, which newspaper is nearest to the said land being considered for annexation, at least once a week for two successive weeks on March 21 and 28, 2026, that a City Council public hearing shall be held Monday, April 13, 2026 at 6:00 p.m. at the regularly scheduled City Council meeting; and

BE IT FURTHER RESOLVED that if the city annexation of any lot(s), parcel(s), block(s) or tract(s) of land annexed into the city pursuant to this city annexation resolution or any provision of this resolution is ever held to be invalid or unconstitutional, the City Council hereby declares that any such decision shall not affect the validity of the annexation of the remaining lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or the remaining provisions of this resolution. The City Council hereby declares that it would have passed this resolution and annexed each lot(s), parcel(s), block(s) or tracts(s) of land into the city as well as each provision of this resolution irrespective of the fact that the annexation of any one or more lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or provision of this resolution may have been declared invalid or unconstitutional, and if for any reason the annexation of any lot(s), parcel(s), block(s), tract(s) of land or any provision of this resolution should be declared invalid or unconstitutional, then the annexation of the remaining lot(s), parcel(s), block(s) or tracts(s) of land and resolution provisions are intended to be and shall be in full force and effect as enacted by the City Council.

PASSED AND ADOPTED this ____ day of _____, 2026.

ATTEST:

Claire Trimble, CMC
City Clerk

APPROVED:

Andrea Davis
Mayor

(SEAL)

Exhibit A: Annexation Exhibit

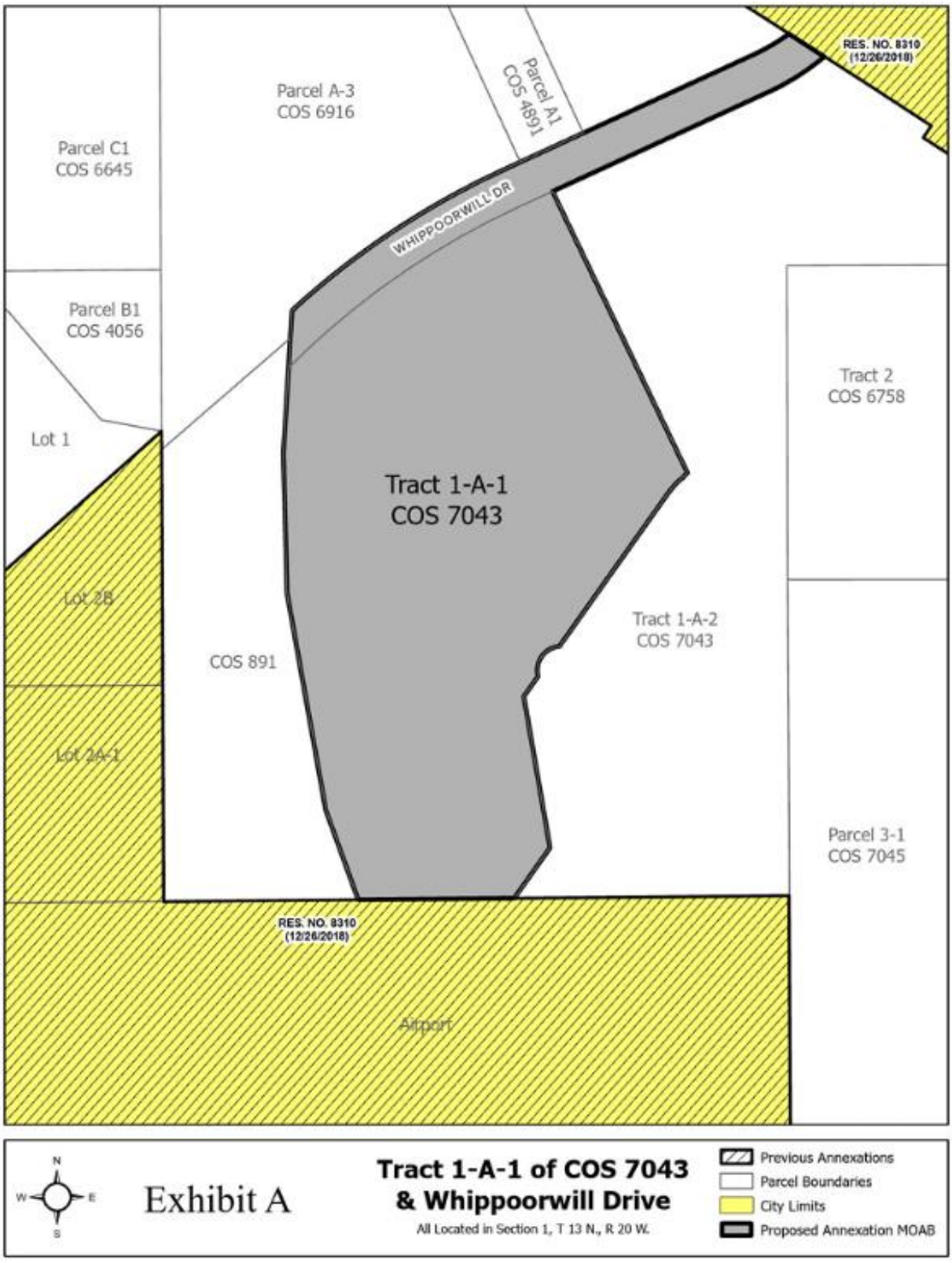

Exhibit B: Legal Description

TRACT 1-A-1 OF CERTIFICATE OF SURVEY 7043 IN SECTION 1, TOWNSHIP 13 NORTH, RANGE 20 WEST, P.M.M., MISSOULA COUNTY, MONTANA

AND

A PORTION OF TRACT 1-A-2, CERTIFICATE OF SURVEY NO. 7043, AS RECORDED IN MISSOULA COUNTY, MONTANA RECORDS. LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 13 NORTH, RANGE 20 WEST, P. M., MISSOULA COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWING:

BEGINNING AT WESTERLY MOST COMMON CORNER OF TRACTS 1-A-1 AND 1-A-2, OF SAID CERTIFICATE OF SURVEY NO. 7043, BEING THE TRUE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF SAID TRACT 1-A-2 NORTH 6°53'57" EAST, 87.57 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID TRACT 1-A-2, ALSO BEING THE NORTHERLY EASEMENT LINE OF THE SIXTY (60) FOOT PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT, AS SHOWN ON SAID CERTIFICATE OF SURVEY NO. 4891; THENCE ALONG SAID NORTHWESTERLYLINE, BEING A NON-TANGENT CURVE TO THE RIGHT HAVINGA RADIS OF 1710.00 FET, WITH A RADIAL BEARING OF NORTH 38°59’57” WEST, AN ARC DISTANCE OF 529.85 FEET, THROUGH A CENTRAL ANGLE OF 17°45’12”; THENCE TANGENT TO SAID CURVE AND CONTINUING ALONG SAID NORTHWESTERLY LINE, NORTH 68°45’15” EAST, 187.25 FEET TO THE SOUTHEAST CORNER OF TRACT A-1, CERTIFICATE OF SURVEY NO. 6891, AS RECORDED IN MISSOULA COUNTY, MONTANA RECORDS; THENCE ALONG NORTHEASTERLY LINE OF SAID TRACT A-1, NORTH 21°14’33” WEST, 25.00 FEET; THENCE LEAVING SAID NORTHEASTERLY LINE ALONG A LINE PARALLEL WITH AND 25.00 FEET NORTHWESTERLY OF THE PREVIOUSLY DESCRIBED NORTHERLY EASEMENT LINE OF THE OF THE SIXTY (60) FOOT PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT THE FOLLOWING TWO (2) COURSES: NORTH 68°45’15” EAST, 392.75 FEET TO A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 415.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°15’00” AN ARC DISTANCE OF 71.35 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF US HIGHWAY 10, PROJECT NUMBER FAP 21B/FAP 219(12); THENCE NON-TANGENT ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, SOUTH 53°39’40” EAST, 90.73 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY EASEMENT LINE OF SAID SIXTY (60) FOOT PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT; THENCE ALONG SAID SOUTHERLY EASEMENT LINE THE FOLLOWING FIVE (5) COURSES: A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET, WITH A RADIAL BEARING OF SOUTH 35°05’20” EAST, THROUGH A CENTRAL ANGLE OF 13°50’35” AN ARC DISTANCE OF 120.80 FEET; THENCE TANGENT SOUTH 68°45’15” WEST, 580.00 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1650.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°75’00” AN ARC DISTANCE OF 545.72 FEET; THENCE SOUTH 49°48’22” WEST, 0.47 FEET; THENCE SOUTH 49°48’15” WEST, 27.96 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 1.97 ACRES, MORE OR LESS.